

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY A. FIGEL,

Petitioner,

v.

Case No. 2:04-cv-52
HON. R. ALLAN EDGAR

BARBARA BOUCHARD,

Respondent.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Petitioner challenged a prison misconduct conviction. Petitioner asserts that he could not exhaust his state law remedies any further. However, it is clear that petitioner procedurally defaulted his claims. The Michigan Court of Appeals dismissed petitioner's claim under a procedural rule and petitioner failed to appeal the matter further. Petitioner failed to show cause and prejudice for his procedural default. Moreover, petitioner failed to show that his rights were violated during his misconduct hearing.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

Dated: *October 5, 2005*

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE